

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
                Plaintiff, : 13cv6705 (DLC)
                -v- : 13cv6719 (DLC)
                : 13cv6721 (DLC)
MORGAN STANLEY & CO., et al., : 13cv6726 (DLC)
                : 13cv6727 (DLC)
                Defendants. : 13cv6731 (DLC)
                : 13cv6736 (DLC)
And other NCUA Actions. :
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UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc., :
                Plaintiff, : 11cv2340 (JWL)
                -v- : 11cv2649 (JWL)
                : 12cv2591 (JWL)
RBS SECURITIES, INC., f/k/a GREENWICH : 12cv2631 (JWL)
CAPITAL MARKETS, INC., et al., : 12cv2648 (JWL)
                : 13cv2418 (JWL)
                Defendants. :
                :
And other NCUA Actions. :
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>6/10/15</u>

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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NATIONAL CREDIT UNION ADMINISTRATION :
BOARD, etc.,                          :
                                     Plaintiff, :
               -v-                      :
RBS SECURITIES, INC., f/k/a GREENWICH : 11cv5887 (GW)
CAPITAL MARKETS, INC., et al.,       : 11cv6521 (GW)
                                     :
                                     Defendants. : ORDER
And other NCUA Actions.               :
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HON. DENISE COTE, HON. JOHN W. LUNGSTRUM, and HON. GEORGE H. WU,
District Judges; and HON. JAMES P. O'HARA, Magistrate Judge:

On June 3, 2015, RBS submitted a letter-motion requesting that NCUA and Connie Loveless ("Loveless"), former Chief Investment Officer of U.S. Central, be compelled to produce documents related to Loveless's demand for compensation for her assistance and testimony in this litigation, and that RBS be permitted to examine Loveless further concerning such documents. NCUA submitted a responsive letter on June 4. RBS submitted a June 4 reply, which was accepted by a Coordinated Order of June 9.

Loveless was deposed recently over a two-day period. On the first day of her deposition, Loveless was asked if she was being compensated for attending the deposition. She responded that she "ha[d] an agreement with the NCUA" to pay her for her time, and stated her hourly rates. She testified that she had

set forth her compensation terms in a document submitted to NCUA two years ago. The next day, Loveless testified that no agreement, in fact, existed; rather, the document was only a proposal and NCUA had never accepted its terms. She also testified that she has no agreement to be compensated for her testimony and has decided that she will not take any money at all from NCUA.

RBS asserts that Loveless's deposition testimony raises questions of witness credibility that warrant the additional discovery it seeks to compel. At the conclusion of its June 3 letter, RBS describes its specific demand for further discovery. Accordingly, it is hereby

ORDERED that NCUA shall produce Loveless's demand for compensation, any current or former compensation agreement between NCUA and Loveless in this matter, and any documents related to the demand and any such compensation agreement.

IT IS FURTHER ORDERED that NCUA shall produce Loveless for an additional thirty minutes of deposition concerning these document(s).

Dated: June 10, 2015 /s/ Denise Cote
United States District Judge

Dated: June 10, 2015 /s/ George H. Wu
United States District Judge

Dated: June 10, 2015 /s/ John W. Lungstrum
United States District Judge

Dated: June 10, 2015 /s/ James P. O'Hara
United States Magistrate Judge